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PATENT

Attorney Docket No.: A-67689-3/RFT/RMS/RMK

10/12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ) Examiner: HADDAD, M.M.  
 )  
HORWITZ ) Group Art Unit: 1644  
 )  
Serial No. 09/653,924 )  
 )  
Filed: September 1, 2000 )  
 )  
For: USE OF CYTOKINES, CELLS, )  
AND MITOGENS TO INHIBIT )  
GRAFT VERSUS HOST DISEASE )  
 )

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CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, BOX FEE AMENDMENT, Washington, DC 20231 on:

Dated: July 16, 2002  
Signed: Mary McFarland  
Mary McFarland

RESPONSE TO RESTRICTION

Commissioner for Patents  
BOX FEE AMENDMENT  
Washington, DC 20231

Sir:

This is in response to the Restriction and Election Requirement dated March 20, 2002. The response is submitted on or before July 20, 2002, and is accompanied by a petition for a three month extension of time and the required fee, making this a timely response. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-67689-3 /RFT/RMS/RMK).

In response to the Restriction Requirement, Applicants elect for further prosecution the claims of Group II, namely Claims 2-8, and 10-17, drawn to a method for treating donor cells to ameliorate graft versus host disease comprising adding a suppressive-inducing composition. This election is made without traverse.

In response to the election of species requirement, Applicants elect a suppressive inducing composition comprising a mixture of TGF- $\beta$  and IL-2, and PBMC enriched for CD3+CD4-CD8-. This election is represented by newly added claims 31 and 32:

31. A method for treating donor cells to ameliorate graft versus host disease in a recipient patient comprising:

- a) removing peripheral blood mononuclear cells (PBMC) from a donor;
- b) selectively enriching said PBMC for CD3+CD4-CD8- cells;
- c) treating said CD3+CD4-CD8- cells with a suppressive-inducing composition comprising TGF- $\beta$  and IL-2 for a time sufficient to induce T cell tolerance in said patient; and
- c) introducing said treated CD3+CD4-CD8- cells to said patient.

32. A method for treating donor cells to ameliorate graft versus host disease in a recipient patient comprising:

- a) removing peripheral blood mononuclear cells (PBMC) from a donor;
- b) selectively enriching said PBMC for CD3+CD4-CD8- cells;
- c) treating said CD3+CD4-CD8- cells with a suppressive-inducing composition for a time sufficient to generate suppressor cells; and
- c) introducing said suppressor cells to said patient.

This election is made without traverse with the understanding that should allowable subject matter be found, applicant is entitled to consideration of a generic claim encompassing additional species, such as those disclosed in claims 2, 4-8, 10, 11 13-17, and 29-30.

*/ / / / / /*  
Claims 2-8, 10-17 and 29-32 read on the species elected.

Please amend the application as follows:

In the Claims:

*/ / / /*  
Please cancel claims 1, 9, and 18-28 without prejudice or disclaimer as being drawn to a non-elected inventions.

Please amend the following claims:

*part 2*  
*A1*  
2. (Amended) A method for treating donor cells to ameliorate graft versus host disease in a recipient patient comprising:

- a) removing peripheral blood mononuclear cells (PBMC) from a donor;
- b) treating said PBMC with a suppressive-inducing composition for a time sufficient to induce T cell tolerance in said patient; and